

PATENT APPLICATION
042390.P11456

Remarks

Reconsideration of this application is requested in view of the amendments above and remarks below. By this amendment, claims 1, 8, 12, 16-22, 25-31, 33, 40, 43, 45, 46, 48, and 51 have been amended, claims 52-72 have been added, and claims 38 and 39 have been cancelled. Accordingly, claims 1-37 and 40-72 are in the Application.

Interview Summary

Anthony M. Martinez and Primary Examiner Kevin Verbrugge had telephone interviews on July 30 and 31, 2003 to discuss the Office action. Mr. Martinez sought clarification of the objections and rejections in the Office action. Applicant appreciates the Examiner's time to discuss the Office action. Examiner Verbrugge indicated that the 35 U.S.C. §112, Sixth Paragraph, comment to claim 40 may be addressed by simply removing the "means for" language in the claim.

Title

The Title of the Specification has been amended to advance the prosecution of the application. However, Applicants would like to point out that the amendment to the title does not narrow or limit the scope of the claims in any way.

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Response to 35 U.S.C. §112 Sixth Paragraph Comment

Claim 40 has been amended as suggested by the Examiner. In particular, claim 40 has been amended to remove the "means for" language.

Response to 35 U.S.C. §102 Rejection

The Office action rejects claims 1, 3, 4, 6-11, 14-23, 25-31, 33-37 and 39-51 under 35 U.S.C. §102 (a) as being anticipated by Kitagawa (EP Patent Application No. 0 702 305 A1). Applicant respectfully traverses this rejection in view of the amendments above and the remarks that follow.

As is well established, in order to successfully assert a prima facie case of anticipation, the Office action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office action has not succeeded in making a prima facie case.

Kitagawa does not teach or suggest at least a ferroelectric memory as recited in Applicant's claims 1 and 46, a ferroelectric cache memory as recited in Applicant's claim 8, a ferroelectric cache as recited in Applicant's claims 21 and 26, a polymer ferroelectric cache memory as recited in Applicant's claims 28, or a ferroelectric cache memory as recited in Applicant's claim 40. Since the cited documents do not teach all the limitations of Applicant's claims 1, 8, 21, 26, 28, 40 and 46, it is believed that the rejections of these claims should be withdrawn and that these claims are in condition for allowance.

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Claims 3, 4, 6, and 7 depend from claim 1 and are believed to be allowable for the same reasons as claim 1. Claims 9-11 and 14-20 depend either directly or indirectly from claim 8 and are believed to be allowable for the same reasons as claim 8. Claims 22, 23 and 25 depend either directly or indirectly from claim 21 and are believed to be allowable for the same reasons as claim 21. Claims 27 depends from claim 26 and is believed to be allowable for the same reasons as claim 26. Claims 29-31 and 33-37 depend either directly or indirectly from claim 28 and are believed to be allowable for the same reasons as claim 28. Claim 39 has been cancelled. Claims 41-45 depend either directly or indirectly from claim 40 and are believed to be allowable for the same reasons as claim 40. Claims 47-51 depend either directly or indirectly from claim 46 and are believed to be allowable for the same reasons as claim 46.

Response to 35 U.S.C. §103 Rejections

The Office action rejects claims 2 and 38 under 35 U.S.C. §103(a) as being unpatentable over Kitagawa (EP Patent Application No. 0 702 305 A1) in view of Royer et al. (U.S. Patent Publication No. 2003/0061436 A1). Applicants respectfully traverse this rejection in view of the remarks that follow.

Claim 2 depends from claim 1 and is believed to be allowable for the same reasons as claim 1. Claim 38 has been cancelled.

In addition, it is respectfully pointed out that Royer et al. and the invention claimed in the Application were both subject to an obligation of assignment to Intel

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Corporation. Accordingly, the provisions of 35 U.S.C. § 103(c) apply and Royer et al. is disqualified as prior art against the claimed invention.

The Office action rejects claims 5, 12, 13, 24, and 32 under 35 U.S.C. §103(a) as being unpatentable over Kitagawa (EP Patent Application No. 0 702 305 A1). Applicants respectfully traverse this rejection in view of the remarks that follow.

Claim 5 depends from claim 1 and is believed to be allowable for the same reasons as claim 1. Claims 12 and 13 depend either directly or indirectly from claim 8 and are believed to be allowable for the same reasons as claim 8. Claim 24 depends from claim 21 and is believed to be allowable for the same reasons as claim 21. Claim 32 depends indirectly from claim 28 and is believed to be allowable for the same reasons as claim 28.

New Claims

Claims 52-72 have been newly added and are believed to be allowable. Applicants submit that no new matter has been added.

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Conclusion

In view of all of the above, it is believed that Applicant's claims are allowable, and the case is in condition for allowance, which action is earnestly solicited. Reconsideration of the rejections and objections is respectfully requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 552-0624 is respectfully solicited.

Respectfully submitted,
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